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October 2, 2008

Thomaseia Duncan, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR # 6089

Re: Complaint against Melissa Hart; People with Hart, Inc.; and the Leadership Radio Network

Dear Ms. Duncan,

I write to file a complaint with the Federal Election Commission against Melissa Hart; People with Hart, Inc.; and the Leadership Radio Network. The facts demonstrate that Hart engaged in coordinated communications with the Leadership Radio Network, and thus received illegal in-kind contributions.

SUMMARY

The Glen Meakem Program styles itself as a Sunday morning radio talk show, airing on FM News Talk 104.7 in Pittsburgh, Pennsylvania. See <http://glenmeakem.com/about/>. But the disclaimer preceding the show reveals that it is actually an "infomercial": "The following is a paid commercial announcement of the Leadership Radio Network." See <http://glenmeakem.com/2008/07/20/July-20th-2008-glen-meakem-on-the-economy-energy-and-taxes/> (streaming MP3 audio file, 0:00-0:05).

On July 20, 2008, Meakem "interviewed" Melissa Hart, the Republican candidate for Congress in Pennsylvania's 4th Congressional District. See *id.* (35:56 et seq.). In fact, the "interview" was an unabashed effort to expressly advocate Hart's election and solicit contributions for her campaign.

The advocacy reaches its overt pinnacle at 51:30:

"[Meakem:] Bravo to Melissa Hart! ... I am a huge supporter of Melissa ... I have contributed to her campaign personally ... My wife and I, we are really behind Melissa ... We think it's great that she's running ... Thank you for running ... There's a lot of people in our listening area who can actually vote for Melissa 'cause they're in Pennsylvania's Fourth Congressional District, myself among them, so, Melissa was my Congressperson and, doggone it, I want her to be my Congressperson again. So I'm going to be pulling the lever for Melissa or

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pushing the button on the screen for Melissa this November. But also, you know what? In politics, regular people making contributions makes a difference. And, hey, if you feel strongly for Melissa, this is a person you should support. And if you want to support Melissa, how do people support you financially, how do they support your campaign?"

[Hart:] "Well, we have a website, it's w-w-w dot People With Hart -- H -- A -- R -- T -- dot com. If you go on there, you can actually contribute on the website. And if you're not a website kind of guy or woman, we have our campaign committee, it's People With Hart, P.O. Box 435, Wexford, PA, 15090. Our phone number --"

[Meakem:] "Say that again? ... Give that address again? ..."

[Hart:] "It's People With Hart, P.O. Box. 435 ..."

FEC rules treat coordinated communications as in-kind contributions to candidates. A public communication that: (a) is paid for by a third party, (b) expressly advocates a candidate's election, and (c) enjoys the candidate's material involvement is coordinated, and treated as an in-kind contribution to the candidate. See 11 C.F.R. 109.21(a)(1)-(3), (c)(3), (d)(2).

By its own admission, this radio spot was a "paid commercial announcement," financed by the Leadership Radio Network. It expressly advocated Hart's election ("doggone it, I want her to be my Congressperson again!") and solicited contributions to her campaign. It did so with Hart's enthusiastic participation, as she told prospective donors how to give through the campaign's website or mail a contribution to her campaign office.¹

The Leadership Radio Network cannot claim access to the "media exemption" under the campaign finance laws, because it was not acting as a press entity. As the Commission has previously advised, "the very act of paying a broadcaster ... rather than receiving compensation from a broadcaster, is one of the 'considerations of form' that can help to distinguish [non-exempt spending] ... from exempted media activity." Advisory Opinion 2004-30 (Citizens United).

The facts here are clear. Leadership Radio Network chose to spend its money to urge the election of its preferred candidate for Congress and solicit contributions for her. Melissa Hart herself fully participated in this illegal enterprise. The contribution is doubly illegal if, as it appears may be the case, the funding came from corporate funds, not a private individual or a PAC. The Commission should take immediate action to stop and punish these blatant violations.

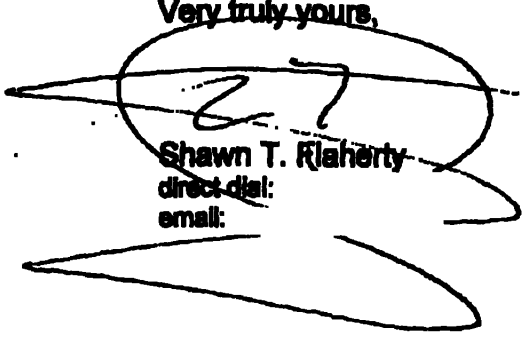
¹ If the Leadership Radio Network is a corporation, then it illegally facilitated contributions as well, having used its resources for fundraising activities. See 11 C.F.R. 114.2(f).

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Very truly yours,


Shawn T. Flaherty
direct dial:
email:

SUBSCRIBED AND SWORN to before me this 3rd day of OCT., 2008.


Notary Public

NORMAL SEAL
My Commission Expires:
Notary Public
CITY OF PITTSBURGH, ALLEGHENY COUNTY
My Commission Expires Mar 21, 2009